

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on March 10, 2009 at 8:07
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. Krayton Kerns (R)
Rep. Margaret MacDonald (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: Rep. Diane Sands (D), Rep. Edith (Edie)
McClafferty (D), Rep. David Howard (R)

Members Absent: None

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 541, 3/3/2009; SB 341, 3/5/09;
SB 368, 3/5/09; SB 197, 3/5/09

Executive Action: SB 96

HEARING ON SB 197

Opening Statement by Sponsor:

00:00:40 Sen. Jesse Laslovich (D), SD 43, opened the hearing on SB 197, Define court transcripts and provide for adjustments in transcript costs.

EXHIBIT(juh53a01)

Proponents' Testimony:

00:03:23 Sen. Jim Shockley, SD 45, Victor
00:03:56 Glenda Travitz, Official Court Reporter, 21st Judicial District, Ravalli County; President, Montana Court Reporters Association
00:08:04 Tom Sapp, Official Court Reporter, 11th Judicial District, Kalispell
00:09:30 Sharon Gaughan, Official Court Reporter, 13th Judicial District, Billings
00:16:58 Dorothy McCarter, District Judges for the State of Montana
00:17:33 Penny Martin, Official Court Reporter, Helena

EXHIBIT(juh53a02)

00:17:57 Gary Davis, Attorney, Helena
00:18:48 Al Smith, Montana Trial Lawyers Association
00:19:13 Pam Bucy, Court Reporters Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:36 Rep. Wagner
00:20:58 Chairman Stoker
00:21:03 Sen. Laslovich
00:21:09 Rep. Wagner
00:21:35 Sen. Laslovich
00:21:54 Chairman Stoker
00:22:10 Ms. Travitz
00:22:22 Rep. Wagner
00:22:30 Rep. More
00:22:51 Ms. Travitz
00:23:45 Rep. Peterson
00:24:06 Ms. Travitz
00:24:20 Rep. Peterson
00:24:27 Ms. Travitz
00:24:32 Rep. Peterson
00:24:38 Rep. Regier

00:24:52 Ms. Travitz
00:25:29 Chairman Stoker

Closing by Sponsor:

00:25:36 Sen. Laslovich
00:27:25 Chairman Stoker

HEARING ON SB 341

Opening Statement by Sponsor:

00:27:39 Sen. Jesse Laslovich (D), SD 43, opened the hearing on
SB 341, Revise costs of criminal proceedings.

Proponents' Testimony:

00:32:49 Kirsten Pabst-LaCroix, Chief Deputy County Attorney,
Missoula County
00:36:14 Jim Smith, Montana County Attorneys Association
00:38:47 Chairman Stoker
00:38:53 Sue Wilkins, Executive Director, Missoula Correctional
Services
00:42:12 Pat Keim, Alternatives, Inc.
[EXHIBIT\(juh53a03\)](#)
00:45:57 Chairman Stoker

Opponents' Testimony:

00:46:29 Scott Crichton, Executive Director, American Civil
Liberties Union
[EXHIBIT\(juh53a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:52:46 Rep. Wagner
00:53:59 Ms. Pabst-LaCroix
00:55:06 Rep. Wagner
00:55:45 Ms. Pabst-LaCroix
00:56:45 Rep. Wagner
00:58:08 Ms. Pabst-LaCroix
00:59:40 Rep. Peterson
01:00:51 Ms. Pabst-LaCroix
01:00:59 Rep. Peterson
01:01:13 Ms. Pabst-LaCroix
01:01:19 Rep. Peterson

01:01:35 Ms. Pabst-LaCroix
01:02:05 Rep. Peterson
01:02:15 Ms. Pabst-LaCroix
01:02:29 Rep. Peterson
01:02:37 Ms. Pabst-LaCroix
01:03:04 Rep. Peterson
01:03:13 Ms. Pabst-LaCroix
01:03:16 Rep. Peterson
01:03:21 Ms. Pabst-LaCroix
01:03:56 Ms. Wilkins
01:06:14 Rep. Peterson
01:06:28 Ms. Wilkins
01:07:04 Rep. Peterson
01:07:37 Ms. Pabst-LaCroix
01:07:46 Rep. Peterson
01:08:10 Ms. Pabst-LaCroix
01:08:49 Rep. Peterson
01:08:58 Ms. Pabst-LaCroix
01:09:03 Rep. Peterson
01:09:40 Ms. Pabst-LaCroix
01:09:42 Rep. Peterson
01:09:50 Rep. Menahan
01:10:28 Ms. Pabst
01:10:32 Rep. Menahan
01:10:34 Ms. Pabst-LaCroix
01:10:58 Rep. Menahan
01:11:07 Ms. Pabst-LaCroix
01:11:14 Rep. Menahan
01:11:44 Ms. Pabst-LaCroix
01:11:51 Rep. Menahan
01:12:04 Ms. Pabst-LaCroix
01:12:11 Rep. Menahan
01:12:15 Ms. Pabst-LaCroix
01:12:16 Rep. Menahan
01:12:50 Ms. Pabst-LaCroix
01:13:11 Rep. Menahan
01:13:25 Ms. Pabst-LaCroix
01:13:31 Rep. MacDonald
01:14:25 Ms. Pabst-LaCroix
01:14:59 Rep. MacDonald
01:15:18 Ms. Pabst-LaCroix
01:16:02 Chairman Stoker

Closing by Sponsor:

01:16:11 Sen. Laslovich

01:23:48 Chairman Stoker
01:24:00 Sen. Laslovich
01:24:44 Chairman Stoker

01:25:29 Recess

01:44:28 Reconvene

HEARING ON SB 368

Opening Statement by Sponsor:

01:45:07 Sen. Ron Erickson (D), SD 47, opened the hearing on SB 368, Good Samaritan law for retired doctors.

Proponents' Testimony:

01:47:29 Erin MacLean, Montana Medical Association

01:50:49 Bill Jones, Dentist

01:53:57 Paula Block, Montana Primary Care Association

Opponents' Testimony: None

Informational Testimony:

01:55:26 Al Smith, Montana Trial Lawyers Association

Questions from Committee Members and Responses:

01:58:25 Rep. Wagner

01:58:35 Mr. Smith

01:58:51 Rep. Wagner

01:58:54 Rep. Regier

01:59:19 Sen. Erickson

02:00:02 Chairman Stoker

Closing by Sponsor:

02:00:08 Sen. Erickson

02:00:40 Chairman Stoker

HEARING ON HB 541

Opening Statement by Sponsor:

02:02:45 Rep. Brady Wiseman (D), HD 65, opened the hearing on HB 541, Revise marijuana related crime laws.

EXHIBIT(juh53a05)

02:13:56 Chairman Stoker

Proponents' Testimony:

02:14:35 Eric Luther

02:19:11 John Masterson, Chair, Missoula Marijuana Initiative

[EXHIBIT\(juh53a06\)](#)

[EXHIBIT\(juh53a07\)](#)

02:25:44 Angela Goodhope, Citizens for Responsible Crime Policy

[EXHIBIT\(juh53a08\)](#)

02:33:00 Craig Shannon, Attorney, Missoula

02:38:52 Tom Daubert, Director, Patients and Families United

[EXHIBIT\(juh53a09\)](#)

[EXHIBIT\(juh53a10\)](#)

[EXHIBIT\(juh53a11\)](#)

[EXHIBIT\(juh53a12\)](#)

02:46:03 Scott Crichton, American Civil Liberties Union

[EXHIBIT\(juh53a13\)](#)

02:48:28 Anthony Swartz

Opponents' Testimony:

02:48:58 Jim Smith, Montana Sheriffs and Peace Officers

Association; Montana County Attorneys Association

02:50:19 Jeff Jergens, President, Montana Narcotics Officers

Association

02:52:47 Jesse Slaughter, Montana Police Protective Association;

Montana Chiefs of Police Association

Informational Testimony:

02:56:42 Randi Hood, Chief Public Defender

Questions from Committee Members and Responses:

02:57:31 Rep. Wagner

02:57:53 Mr. Shannon

02:57:56 Rep. Wagner

02:58:46 Mr. Shannon

03:00:10 Rep. Wagner

03:00:15 Mr. Shannon

03:00:26 Rep. Wagner

03:00:32 Chairman Stoker

03:00:37 Mr. Daubert

03:01:44 Rep. Wagner

03:01:54 Mr. Daubert

03:02:23 Rep. Wagner

03:02:26 Rep. Ebinger

03:02:41 Rep. Wiseman

03:02:42 Rep. Ebinger

03:02:59 Rep. Wiseman

03:03:43 Rep. Ebinger
03:04:04 Rep. Wiseman
03:04:14 Rep. Ebinger
03:04:21 Mr. Daubert
03:04:50 Rep. Ebinger
03:04:55 Rep. Wiseman
03:05:15 Chairman Stoker
03:05:30 Rep. MacDonald
03:05:43 Rep. Wiseman
03:07:04 Chairman Stoker
03:07:09 Rep. MacDonald
03:07:29 Rep. Regier
03:07:56 Rep. Wiseman
03:08:19 Rep. Regier
03:08:50 Rep. Wiseman
03:08:58 Rep. More
03:09:07 Mr. Jergens
03:09:09 Rep. More
03:09:27 Mr. Jergens
03:09:32 Rep. More
03:09:48 Mr. Jergens
03:10:16 Rep. More
03:10:22 Mr. Jergens
03:10:46 Rep. More
03:10:51 Rep. Ebinger
03:11:03 Rep. Howard
03:11:49 Chairman Stoker
03:11:56 Rep. Howard
03:11:57 Mr. Smith
03:12:57 Rep. Howard
03:13:06 Rep. Wagner
03:13:39 Rep. Ebinger exited the meeting.
03:15:40 Mr. Smith
03:16:50 Rep. Wagner
03:16:55 Chairman Stoker
03:17:23 Ms. Hood
03:17:53 Chairman Stoker
03:18:30 Mr. Daubert
03:19:36 Chairman Stoker
03:19:59 Mr. Daubert
03:20:10 Chairman Stoker
03:20:14 Mr. Daubert
03:20:39 Chairman Stoker
03:21:24 Mr. Slaughter
03:21:31 Chairman Stoker
03:21:34 Mr. Slaughter
03:21:42 Chairman Stoker
03:22:14 Mr. Slaughter
03:22:47 Chairman Stoker
03:23:12 Mr. Slaughter

03:24:29 Chairman Stoker
03:24:35 Mr. Jergens
03:24:55 Chairman Stoker
03:24:56 Mr. Jergens
03:25:02 Chairman Stoker
03:25:15 Rep. Becker
03:25:56 Mr. Shannon
03:26:10 Chairman Stoker

Closing by Sponsor:

03:26:16 Rep. Wiseman

03:30:45 Chairman Stoker

EXECUTIVE ACTION ON SB 96

03:32:03 **Motion:** Rep. Peterson moved that **SB 96 BE CONCURRED IN.**

03:32:13 **Motion:** Rep. Menahan moved that **SB 96 BE AMENDED.**
EXHIBIT(juh53a14)

Discussion:

03:32:29 Chairman Stoker
03:32:43 Rep. Menahan
03:37:20 Rep. Peterson
03:37:56 Rep. Menahan
03:37:57 Rep. Peterson
03:38:00 Chairman Stoker
03:38:08 Rep. Peterson called the question.

03:38:11 **Vote:** Motion that carried unanimously by voice vote.
Rep. Sands and Rep. Ebinger voted by proxy.

03:38:30 **Motion:** Rep. Peterson moved that **SB 96 BE CONCURRED IN AS AMENDED.**

Discussion:

03:38:40 Chairman Stoker
03:38:42 Rep. Wagner
03:39:05 Rep. Menahan
03:39:19 Rep. Regier
03:39:29 Rep. Menahan
03:41:40 Rep. Regier
03:41:47 Rep. Menahan
03:42:16 Chairman Stoker

03:42:53 Rep. Menahan
03:43:42 Rep. Peterson called the question.
03:43:49 Rep. Howard
03:44:30 Rep. Menahan
03:46:10 Chairman Stoker
03:46:20 Rep. Kottel
03:47:27 Rep. Menahan
03:47:37 Chairman Stoker
03:47:42 Rep. Menahan
03:49:38 Rep. Peterson

03:50:04 **Vote:** Motion carried 12-6 by roll call vote with Rep.
Kerns, Rep. Bennett, Rep. More, Rep. Wagner, Rep.
Regier, and Rep. Howard voting no. Rep. Sands and Rep.
Ebinger voted by proxy.

03:51:07 Chairman Stoker

ADJOURNMENT

03:52:47 Adjournment

Jennifer Eck, Secretary

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Additional Exhibits:

EXHIBIT(juh53a15) Information pertaining to HB 541

Additional Documents:

EXHIBIT (juh53aad.pdf)